

Appln No. 10/089,751
Amdt date September 1, 2006
Reply to Office action of April 4, 2006

REMARKS/ARGUMENTS

Reconsideration of the application is respectfully requested. Currently, claims 27-54 are pending in the application. Claims 27, 49, 50 and 52 have been amended.

It is noted that the Information Disclosure Statement filed on January 23, 2006 was not considered due to illegible copies of the cited foreign patent documents. Attached hereto is a Supplemental Information Disclosure Statement with the same references including legible copies. It is respectfully requested that the Examiner consider these references and return an initialed Form 1449 with the next communication.

Claims 27-32, 37-43 and 49 have been rejected as allegedly anticipated by Cunningham et al. It is respectfully submitted that the claims as amended are not anticipated by Cunningham et al.

Initially it should be noted that Cunningham does not disclose a subsea lubricator system but rather is directed to a completion and workover riser system, principally for tubing installation, XT installation and well circulation. A riser system is materially different from a lubricator system. For instance, a riser allows for circulation as a matter of course since a riser will provide at least two fluid flow paths (or more as Cunningham recites beginning on Col. 1, line 36). A bypass 82 shown in Cunningham is used in the specific circumstance when running coiled tubing into the riser safety package 24 to establish a circulation path down the annulus and up through the production tubing, see Col. 6, lines 44-59. Such circulation is only possible when using a riser. Prior art subsea lubricators, of which Cunningham is not, provide a fluid connection to the surface to enable hydrocarbon fluids in the lubricator tool housing to be circulated out. The present invention is an improvement on these prior art systems.

Claim 27 recites a subsea lubricator for attachment to a subsea Christmas tree comprising at least one tree passage therethrough, the subsea lubricator comprising a pressure control device, a tool housing assembly adapted to be positioned above the pressure control device, a sealing assembly adapted to be positioned above the tool housing assembly, the sealing assembly adapted to seal around a tool lowering means, at least one lubricator passage which communicates with at least one tree passage in the subsea Christmas tree, and at least one bypass

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assembly comprising at least one bypass passage which communicates with at least one tree passage and the subsea Christmas tree. This device is neither shown nor anticipated by Cunningham. Cunningham does not disclose the claimed tool housing assembly or the claimed sealing assembly. The tool housing is intended to hold a tool to be lowered into the well. While the tool is held the tool housing is closed above using the seal assembly and below using the pressure control device. Consequently Cunningham does not anticipate the claimed invention.

With respect to claim 42, this rejection is respectfully traversed. Claim 42 is directed to a method for circulating fluid in a subsea lubricator attached to a subsea Christmas tree landed on a subsea well, including among other steps circulating the first internal fluid to the subsea well through the bypass passage and the subsea Christmas tree or into an external flow line. The Examiner has referenced Col. 6, lines 22-25 of Cunningham indicating this reference discloses the step of circulating the first internal fluid to the subsea well through the bypass passage and the subsea Christmas tree. Referring to Col. 6, lines 23-25 Cunningham states that fluid is pumped down coil tubing 50 and up the annulus between bore 48 and coil tubing 50 and thus back to the surface. A bypass 82 is not used in this case. Since the valves 74, 76 and blind ram 80 are all closed, as referred to in lines 19-20, there is no access to the Christmas tree and the fluid in Cunningham cannot be injected into the well. Therefore, it is respectfully submitted that Cunningham does not disclose the method recited in claim 42.

With respect to claim 49, this claim recites a method for killing a subsea well having a subsea Christmas tree landed thereon including the steps of landing a subsea lubricator on the subsea Christmas tree, the subsea lubricator comprising at least one valve, providing at least one bypass passage fluidly connecting the subsea Christmas tree with a source of kill fluid, and when the at least one valve is closed injecting the fluid into the well through the bypass passage and the subsea Christmas tree. As recited above Cunningham is directed to a completion and workover riser system and does not disclose landing a subsea lubricator on the subsea Christmas tree and therefore does not anticipate the claimed invention.

With respect to the rejection of claims 50, 51 and 52, the Examiner asserts that Cunningham discloses the apparatus of claim 40 or the structure of claim 40. Claims 50, 51 and

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52 are independent claims and do not depend from claim 40. With respect to claims 50 and 51 the Examiner indicates that Cunningham discloses the claimed second supply pipe 32 which is used to circulate fluids. This is an incorrect assertion in that reference numeral 32 is the controls umbilical, and not a supply pipe. And as discussed in Col. 6, lines 22-25 Cunningham discloses circulation through passage 50 or the annulus around 50, and not through the umbilical 32 and therefore Cunningham does not anticipate Claims 50 or 51.

With respect to claim 52, the Examiner asserts that Cunningham discloses an external fluid supply source 32 connected to a crossover. It is respectfully submitted that Cunningham does not disclose umbilical 32 being connected to any crossover and therefore does not anticipate claim 52.

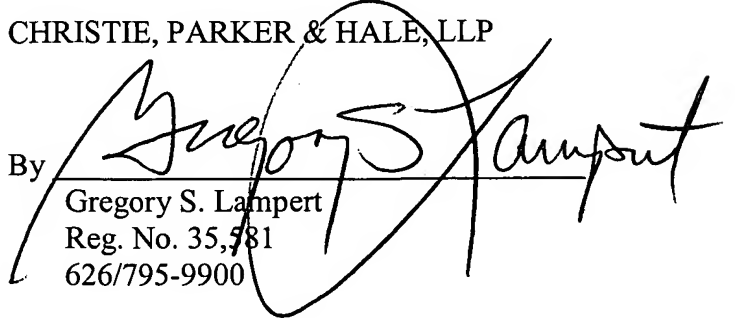
Claims 33, 35 and 36 have been rejected as allegedly obvious over Cunningham et al. in view of Robertson. This rejection is respectfully traversed. Considering claims 22, 35 and 36 are dependent upon claim 27, they are allowable for at least the reasons recited with respect to claim 27. Further it is respectfully submitted that Robertson does not disclose the deficiencies of Cunningham. In addition, claim 33 requires that the first and second outlets are part of the valve assembly. The Examiner indicates that Robertson discloses the claimed first outlet 36 and second outlet 38. Reference numerals 36 and 38 of Robertson are part of the tree, and not part of the claimed valve assembly. With respect to claims 35 and 36 the Examiner indicates that Robertson discloses stop valves 37 and 40 disposed in the first and second outlets. Claims 35 and 36 require that the stop valves are part of the valve assembly. Reference numerals 37 and 40 of Robertson are part of the tree and not part of the claimed valve assembly.

In view of the foregoing amendments and remarks it is respectfully submitted that the application is now in condition for allowance and, accordingly, early indication thereof is respectfully requested.

Respectfully submitted,

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